

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERIC WILLIAMS,)	
)	Case No. 16 CV 3625
Plaintiff,)	
)	
v.)	Judge: Milton I. Shadur
)	
CITY OF CHICAGO, CHICAGO POLICE)	
DEPARTMENT, and OFFICER RAPHAEL)	Magistrate: Sidney I. Schenkier
MITCHEM,)	
)	
Defendants.)	

**DEFENDANT CITY OF CHICAGO AND OFFICER MITCHEM'S JOINT ANSWER TO
PLAINTIFF'S SECOND AMENDED COMPLAINT AND JURY DEMAND**

Defendant City of Chicago and Defendant Officer Raphael Mitchem, by and through one of their attorneys, David T. Hartmann, Assistant Corporation Counsel, for their Joint Answer to Plaintiff's Second Amended Complaint and Jury Demand, hereby state as follows:

JURISDICTION AND VENUE

1. This matter arises from a violation of the Plaintiff's civil rights as protected by the Constitution and laws of the United States pursuant to 42 U.S.C. §§ 1983, 1985 and/or 1986.

ANSWER: Defendants admit that Plaintiff purports to bring this action pursuant to 42 U.S.C. § 1983, 1985, and/or 1986, but deny that Plaintiff's civil rights were violated.

2. This Honorable Court has jurisdiction pursuant to 28 U.S.C. §§ 1343 and 1367.

ANSWER: Defendants admit jurisdiction is proper, but deny any wrongdoing.

3. All acts and/or omissions to act pleaded in this Amended Complaint took place within the jurisdiction of the Northern District of Illinois Federal Courts.

ANSWER: Defendants admit jurisdiction is proper, but deny any wrongdoing.

PARTIES

4. The Plaintiff, ERIC WILLIAMS, is a resident of Chicago, IL.

ANSWER: Upon information and belief, Defendants admit the allegations contained in this paragraph.

5. The Defendants are either government bodies serving the City of Chicago, or agents or employees of the City of Chicago or Chicago Police Department.

ANSWER: Defendants admit that the City of Chicago is a governmental body and that Defendant Mitchem is an employee of the City of Chicago.

FACTS

6. On or about March 19, 2014, the Plaintiff was present at or near 644 N. Lakeshore Dr., Chicago, IL when the Defendant, Officer Raphael Mitchem, acting in his capacity as an employee or agent of the municipal defendants, caused the Plaintiff's arrest.

ANSWER: Defendants admit that Defendant Mitchem arrested Plaintiff near 644 N. Lakeshore Drive on March 19, 2014 and that Defendant Mitchem was acting in his capacity as an employee of the City of Chicago.

7. Thereafter, the Defendants, and each of them, violated the Plaintiff's Civil Rights in the following ways:

ANSWER: Defendants deny the allegations contained in this paragraph.

- a. Maliciously prosecuted the Plaintiff for criminal charges that were subsequently terminated in a manner that found him not guilty of the crimes alleged.

ANSWER: Defendants admit that Plaintiff was found not guilty of possession of cannabis, but deny the remaining allegations contained in this paragraph.

- b. Wrongfully imprisoned the Plaintiff for criminal charges that were subsequently terminated in a manner that found him not guilty of the crimes alleged.

ANSWER: Defendants admit that Plaintiff was found not guilty of possession of cannabis, but deny the remaining allegations contained in this paragraph.

- c. While wrongfully imprisoning the Plaintiff, denied him adequate health care for physical problems caused by injuries sustained during his arrest as well as the stress of the wrongful imprisonment as a result of his sleeping on the floor of the cell provided, and his inability to pay his rent. The Plaintiff also lost his gainful employment due to the wrongful imprisonment at the hands of the Defendants.

ANSWER: Defendants deny the allegations contained in this paragraph.

8. As a result of the above violations of his civil rights by the Defendants, the Plaintiff has sustained damages, both physically and economically.

ANSWER: Defendants deny the allegations contained in this paragraph.

9. Plaintiff further alleges that the Defendant's wrongful acts or failures to act were egregious and without just cause, and seeks punitive damages as a result.

ANSWER: Defendants deny the allegations contained in this paragraph.

WHEREFORE, Defendants request that this Court find judgment in their favor and against Plaintiff, award them such costs as provided by law, and grant them such other relief as the Court deems just and proper.

JURY DEMAND

Defendants hereby demand a trial by jury.

Dated: April 25, 2017

Respectfully submitted,

/s/ David T. Hartmann

David T. Hartmann

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CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2017, I provided service to all attorneys of record via the electronic filing system.

/s/ David T. Hartmann
David T. Hartmann